

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2917**

Chapter 147, Laws of 2006

59th Legislature  
2006 Regular Session

AGRICULTURAL LANDS--ACCESSORY USES

EFFECTIVE DATE: 6/7/06

Passed by the House March 6, 2006  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 3, 2006  
Yeas 45 Nays 1

BRAD OWEN

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**President of the Senate**

Approved March 20, 2006.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2917** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

March 20, 2006 - 2:57 p.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2917**

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AS AMENDED BY THE SENATE

Passed Legislature - 2006 Regular Session

**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Local Government (originally sponsored by Representatives P. Sullivan, Kristiansen, Simpson, Linville, Blake and Ericks; by request of Department of Agriculture)

READ FIRST TIME 02/03/06.

1            AN ACT Relating to accessory uses on agricultural lands; and  
2 amending RCW 36.70A.177.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 36.70A.177 and 2004 c 207 s 1 are each amended to read  
5 as follows:

6            (1) A county or a city may use a variety of innovative zoning  
7 techniques in areas designated as agricultural lands of long-term  
8 commercial significance under RCW 36.70A.170. The innovative zoning  
9 techniques should be designed to conserve agricultural lands and  
10 encourage the agricultural economy. Except as provided in subsection  
11 (3) of this section, a county or city should encourage nonagricultural  
12 uses to be limited to lands with poor soils or otherwise not suitable  
13 for agricultural purposes.

14            (2) Innovative zoning techniques a county or city may consider  
15 include, but are not limited to:

16            (a) Agricultural zoning, which limits the density of development  
17 and restricts or prohibits nonfarm uses of agricultural land and may  
18 allow accessory uses, including nonagricultural accessory uses and

1 activities, that support, promote, or sustain agricultural operations  
2 and production, as provided in subsection (3) of this section;

3 (b) Cluster zoning, which allows new development on one portion of  
4 the land, leaving the remainder in agricultural or open space uses;

5 (c) Large lot zoning, which establishes as a minimum lot size the  
6 amount of land necessary to achieve a successful farming practice;

7 (d) Quarter/quarter zoning, which permits one residential dwelling  
8 on a one-acre minimum lot for each one-sixteenth of a section of land;  
9 and

10 (e) Sliding scale zoning, which allows the number of lots for  
11 single-family residential purposes with a minimum lot size of one acre  
12 to increase inversely as the size of the total acreage increases.

13 (3)~~((a))~~ Accessory uses allowed under subsection (2)(a) of this  
14 section shall comply with the following:

15 ~~((i))~~ (a) Accessory uses shall be located, designed, and operated  
16 so as ~~((not))~~ to not interfere with ~~((natural resource land uses and  
17 shall be accessory to the growing of crops or raising of animals)), and  
18 to support the continuation of, the overall agricultural use of the  
19 property and neighboring properties, and shall comply with the  
20 requirements of this chapter;~~

21 ~~((ii))~~ (b) Accessory ~~((commercial or retail))~~ uses ~~((shall  
22 predominately produce, store, or sell regionally produced))~~ may  
23 include:

24 (i) Agricultural accessory uses and activities, including but not  
25 limited to the storage, distribution, and marketing of regional  
26 agricultural products from one or more producers, ~~((products derived~~  
27 ~~from regional agricultural production,))~~ agriculturally related  
28 experiences, or ~~((products produced on-site. Accessory commercial and~~  
29 ~~retail uses shall offer for sale predominantly products or services~~  
30 ~~produced on-site))~~ the production, marketing, and distribution of  
31 value-added agricultural products, including support services that  
32 facilitate these activities; and

33 ~~((iii) Accessory uses may operate out of existing or new buildings  
34 with parking and other supportive uses))~~ (ii) Nonagricultural accessory  
35 uses and activities as long as they are consistent with the size  
36 ~~((and)),~~ scale, and intensity of the existing agricultural use of the  
37 property and the existing buildings on the site ~~((but))~~.  
38 Nonagricultural accessory uses and activities, including new buildings,

1 parking, or supportive uses, shall not be located outside the general  
2 area already developed for buildings and residential uses and shall not  
3 otherwise convert more than one acre of agricultural land to  
4 nonagricultural uses((

5 ~~(b) Accessory uses may include compatible commercial or retail uses~~  
6 ~~including, but not limited to:~~

7 ~~(i) Storage and refrigeration of regional agricultural products;~~

8 ~~(ii) Production, sales, and marketing of value added agricultural~~  
9 ~~products derived from regional sources;~~

10 ~~(iii) Supplemental sources of on farm income that support and~~  
11 ~~sustain on farm agricultural operations and production;~~

12 ~~(iv) Support services that facilitate the production, marketing,~~  
13 ~~and distribution of agricultural products; and~~

14 ~~(v) Off farm and on farm sales and marketing of predominately~~  
15 ~~regional agricultural products and experiences, locally made art and~~  
16 ~~arts and crafts, and ancillary retail sales or service activities));~~

17 and

18 (c) Counties and cities have the authority to limit or exclude  
19 accessory uses otherwise authorized in this subsection (3) in areas  
20 designated as agricultural lands of long-term commercial significance.

21 (4) This section shall not be interpreted to limit agricultural  
22 production on designated agricultural lands.

Passed by the House March 6, 2006.  
Passed by the Senate March 3, 2006.  
Approved by the Governor March 20, 2006.  
Filed in Office of Secretary of State March 20, 2006.